

REMARKS/ARGUMENTS

Claims 1, 12, 14, 17 and 18 have been amended while claims 13 and 19 have been canceled without prejudice.

The specification has also been amended with the insertion of paragraph [00037]. No new matter has been added as the contents of paragraph [00037] mirror the contents of claim 13 as originally filed.

The claims have been amended to better define the invention and the specification has been amended to clarify the description of the invention.

Regarding the above-noted Office Action, Applicant thanks the Examiner for the allowability of claims 9-11 and 16. Claim 17 has been amended to depend upon allowable claim 16 and, as such, should also be allowable. It is noted that claims 13 and 19 were merely objected to by the Examiner. The subject matter of claim 13 has been incorporated into claim 12 and the subject matter of claim 19 has been incorporated into claim 18. As such, these two claims (claims 12 and 18) should also be allowable.

Claim 14 has been amended to incorporate the subject matter of allowable claim 9 and, as such, should also be allowable. Claim 15 depending upon claim 14, should be similarly allowable.

Applicant further makes note of paragraphs 1, 3, 5, and 6 of the above-noted Office Action.

Regarding the Examiner's objection to claim 14 as having insufficient antecedent basis for the term "said signal quality references" in lines 10 and 11, Applicant notes that the Examiner may be referring to claim 4 as opposed to claim 14. Nevertheless, Applicant traverses this objection by noting that line 8 of claim 4 properly introduces the term "signal quality references" in the clause,

c) retrieving signal quality references from a location logically remote from said node,

Regarding paragraph 2 of the above-noted Office Action, Applicant respectfully submits that Salomaa does not anticipate the invention as defined in amended claim 1 and

unamended claim 4. Specifically, amended claim 1 now notes that the method is used for self-calibration of an optical network nodes or for determining if a laser transmitter is malfunctioning. Salomaa does not mention or hint at self-calibration. The only mention of calibration in Salomaa is a user assisted calibration described in paragraphs [00036]-[00038] of Salomaa. This calibration is of a trial-and-error type as described in paragraph [00036].

Also regarding paragraph 2 of the above-noted Office Action, Applicant respectfully submits that unamended claim 4 is not anticipated by Salomaa. Applicant traverses Examiner's objection by noting that steps c) and d) of claim 4 is not found in Salomaa. Step c) is that of retrieving signal quality references from a location logically remote from the node.

This step is not, as the Examiner alleges, found in paragraphs 0014, 0015 and 0016 of Salomaa. These paragraphs merely note some aspects of the filter control, the wavelength window, processing the data found by means of calculations, and storing the data in a memory. There is no explicit nor even an implicit mention of an act of retrieval. There is mentioned an act of storing data gathered but there is no mention of retrieving.

Furthermore, Applicant respectfully submits that nowhere in Salomaa is there mention of comparing signal quality parameters with retrieved signal quality references. Applicant respectfully traverses this opinion as the description of Figure 5 merely notes (see paragraph [00036] of Salomaa) that calibration is needed "if the wavelength's relative dependence on the filter control is known". Nowhere, in Salomaa is there mention of comparing signal quality parameters with retrieved signal quality references. Salomaa merely recounts calibrating using a trial and error method - there is no mention of retrieving signal quality references and then comparing signal quality data with these retrieved references.

Based on the above submissions, Applicant respectfully submits that claims 1 and 4 are not anticipated not rendered obvious by Salomaa.

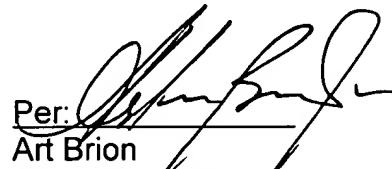
Regarding paragraph 4 of the above-noted Office Action, Applicant respectfully

submits that claim 14 has been amended to incorporate the subject matter of claim 9 found allowable by the Examiner. As such, claims 14 and 15 (dependent upon claim 14) should similarly be allowable. Claim 17 has been made dependent on allowable claim 16.

In view of the foregoing, early favourable consideration of this application is respectfully requested.

In order to confirm receipt, kindly date stamp and mail to us the enclosed return postcard addressed to this firm.

Respectfully submitted,
Dan Dan Yang

Per: 
Art Brion
Reg. No. 51,374
Cassan Maclean
Suite 401, 80 Aberdeen Street
Ottawa, Ontario, Canada K1S 5R5

Telephone: (613) 230-6404
Facsimile: (613) 230-8755

April 20, 2004